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June 9, 2014

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

*Electronically Filed*

Re: CC Docket No. 95-116; WC Docket No. 07-149; WC Docket No. 09-109

Dear Ms. Dortch:

On June 5, 2014, Leonard Kennedy, General Counsel, Scott Deutchman, Deputy General Counsel, and Aaron Goldberger, Associate General Counsel, all of Neustar, Inc.; Thomas Navin, of Wiley Rein; and I met with Commissioner Ajit Pai and Nicholas Degani. This letter provides a record of the matters discussed at the meeting.

In our presentation, we noted the importance of the role of the Local Number Portability Administrator ("LNPA"). The Number Portability Administration Center ("NPAC") enables number portability and is the only real-time database that provides every service provider critical routing information for every voice call and text message.

We also provided background concerning the RFP process for the 2015 LNPA contract, including the initiation of the process in 2011, the ill-defined roles of various entities – the North American Portability Management, LLC ("NAPM"), the North American Numbering Council ("NANC"), and the Commission – in managing the process, the unfair extension of time granted to Ericsson to submit a proposal after the initial deadline had passed, and the refusal to call for an additional round of proposals when Neustar had made clear that it was prepared to improve on its existing proposal. We noted that in the last several months, the NAPM has been putting information in the record under cloak of confidentiality. The NANC recently forwarded a selection recommendation to the Commission; that too was submitted with a request for confidential treatment.

The Commission now has to decide how to deal with the NANC recommendation procedurally and substantively. The Commission's evaluation of the NANC recommendation

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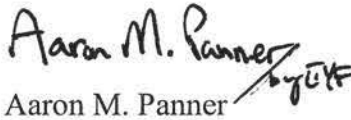
must be done through an NPRM. Ericsson has been arguing that the process can be short-circuited. It cannot be. The Commission designated Neustar as LNPA through a notice-and-comment rulemaking ("NPRM") and then incorporated that designation by reference into the Commission's rules. The Commission must conduct a rulemaking to proceed. The Wireline Competition Bureau ("Bureau") cannot simply adopt the NANC recommendation without a Commission-level NPRM.

We also emphasized that there has been no delegation of authority to the Bureau to make a selection of the next LNPA. The Bureau itself acknowledged as much in the Bureau-level order initiating the RFP process, when it stated that the selection would be made by the Commission or the Bureau "acting on delegated authority."<sup>1</sup> The Commission has not delegated any such authority nor should it given the significance of the LNPA-selection decision. The selection of a neutral numbering administrator is a Commission responsibility that is not within the authority of the Bureau under the Commission's rules.<sup>2</sup>

Neustar also discussed briefly the importance of a process that would allow full consideration of the merits of the competing proposal and evaluation of Ericsson's claims of neutrality.

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, a copy of this letter is being filed via ECFS. If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Aaron M. Panner

cc: The Honorable Ajit Pai  
Nicholas Degani

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<sup>1</sup> Order, *Petition of Telcordia Technologies Inc. to Reform or Strike Amendment 70, To Institute Competitive Bidding for Number Portability Administration and To End NAPM LLC's Interim Role in Number Portability Administration Contract*, 26 FCC Rcd 6839 (WCB 2011).

<sup>2</sup> See 47 C.F.R. § 0.291(a), (e). See also Letter from Aaron M. Panner, Counsel, Neustar, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 95-116, WC Docket No. 07-149, WC Docket No. 09-109 (dated April 14, 2014).